

If you need assistance completing this application (general inquires only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2<sup>nd</sup> Floor (One Texas Center).

CASE # CVS-2012-0102  
ROW # 10815038  
TP-0416360909

**CITY OF AUSTIN  
APPLICATION TO BOARD OF ADJUSTMENT  
GENERAL VARIANCE/PARKING VARIANCE**

**WARNING: Filing of this appeal stops all affected construction activity.**

**PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.**

STREET ADDRESS: 5715 FITCHWOOD LN.

LEGAL DESCRIPTION: Subdivision – VILLAGE AT WESTERN OAKS, SECTION 12

Lot(s) 9 Block 15 Outlot \_\_\_\_\_ Division \_\_\_\_\_

I/We Nicolas Yaros on behalf of myself/ourselves as authorized agent for

Nicolas Yaros affirm that on July 18th, 2012,

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

X ERECT  X ATTACH  COMPLETE  X REMODEL  MAINTAIN

Removal of existing wooden decks off the back of the house and pour a concrete patio.

Part of the patio (15' x 20') is to be covered and attached to the home.

existing - 50% proposed -  
51.7%

in a SF-2 district.  
(zoning district)

**NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.**

**VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):**

**REASONABLE USE:**

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

The properties impervious coverage limits allow for 31.79 sq. ft. of patio space in total. This would then only allow for approximately a 5' x 6' patio.

**HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that:

The original decks that were attached to the home made the impervious coverage be 5% over the allowed 45% at 50%. Since we were approved with our initial permit the decks have been removed and now all that is possible is 31.79 sq. ft. of patio space.

- (b) The hardship is not general to the area in which the property is located because:

Existing patios seem to be exempt from the impervious calculation violation and since we removed the existing patio (the 2 wooden decks), we are no longer able to have a patio of usable size.

**AREA CHARACTER:**

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The patio used to be wooden decks but was trying to be changed over to a covered porch of similar size and was approved by the home owners association.

**PARKING: (Additional criteria for parking variances only.)**

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

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3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

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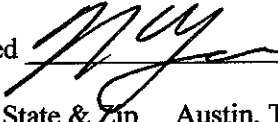
4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

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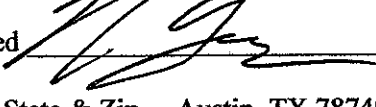
**NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.**

**APPLICANT CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

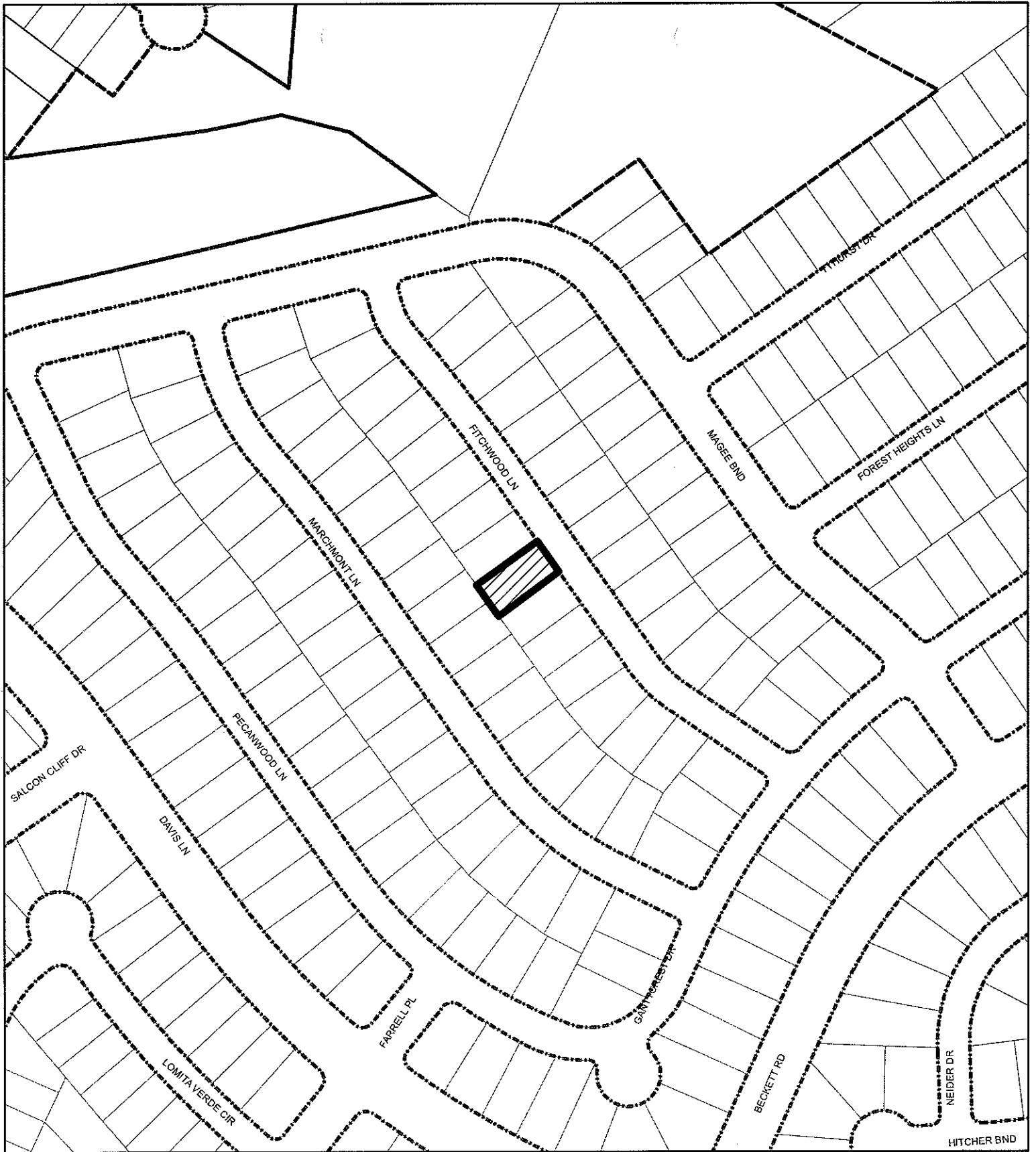
Signed  \_\_\_\_\_ Mail Address 5715 Fitchwood Ln \_\_\_\_\_  
City, State & Zip Austin, TX 78749 \_\_\_\_\_

Printed Nicolas Yaros \_\_\_\_\_ Phone 469.834.7101 \_\_\_\_\_ Date 7/18/2012

**OWNERS CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  \_\_\_\_\_ Mail Address 5715 Fitchwood Ln \_\_\_\_\_  
City, State & Zip Austin, TX 78749 \_\_\_\_\_

Printed Nicolas Yaros \_\_\_\_\_ Phone 469.834.7101 \_\_\_\_\_ Date 7/18/2012



SUBJECT TRACT



ZONING BOUNDARY

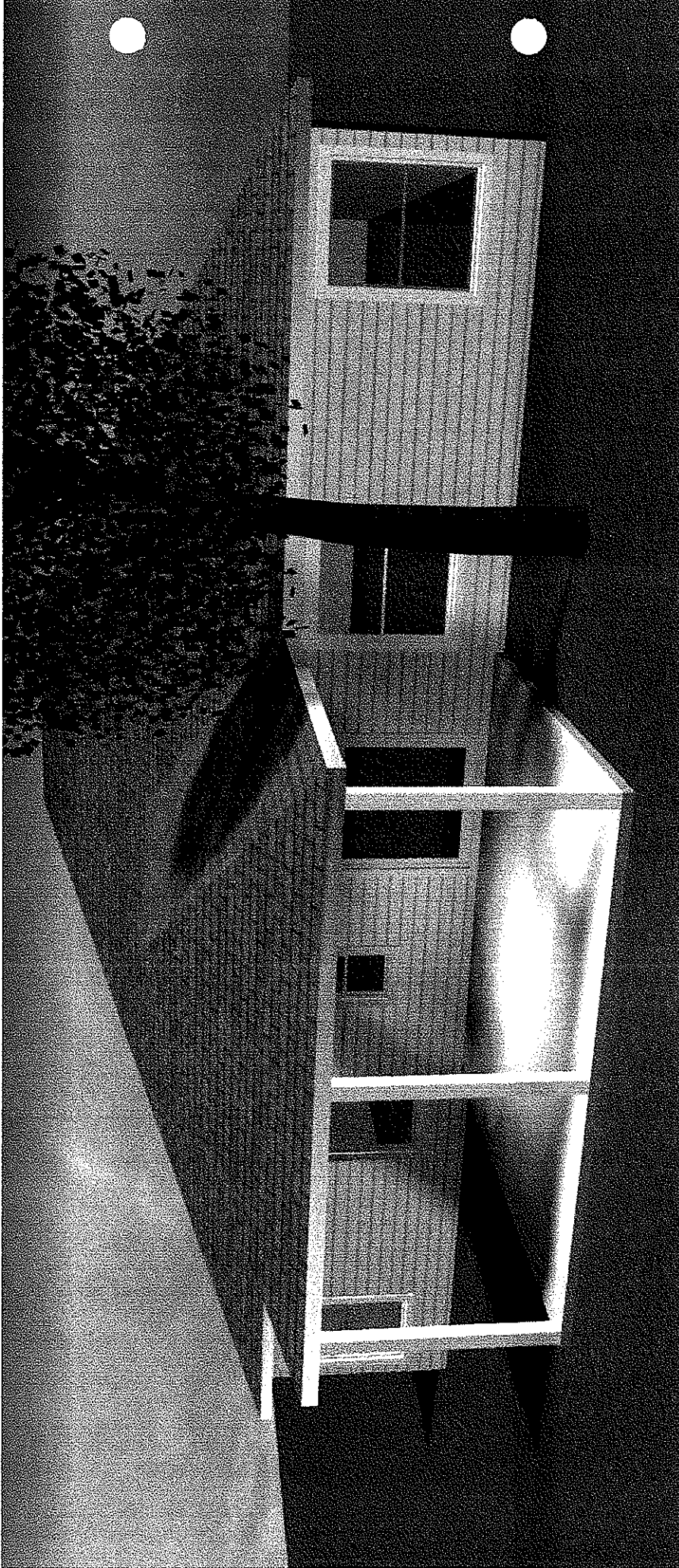
CASE#: C15-2012-0102  
 LOCATION: 5715 FITCHWOOD LANE



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Proposed Covered Portion

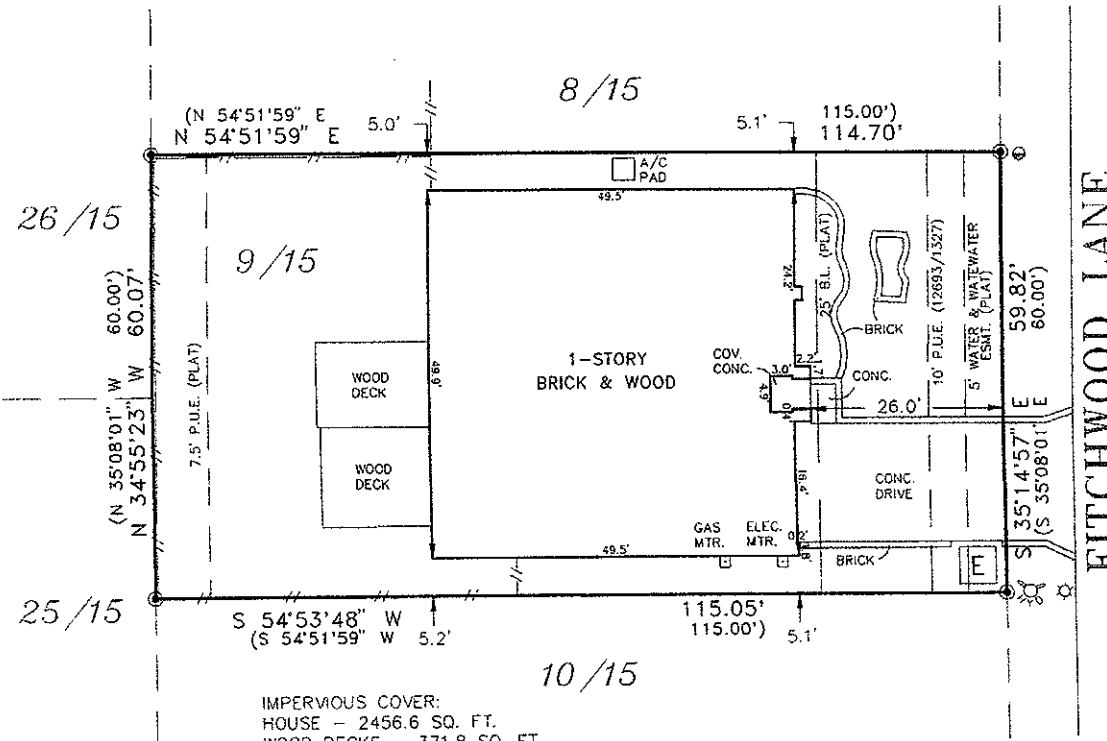


Plat of survey of property at 5715 Fitchwood Drive  
 described as Lot 9, Block 15, of VILLAGE AT WESTERN OAKS, SECTION 12  
 a subdivision of record in Map or Plat  
 Volume/Book/Cabinet 86 at Page(s)/Slide(s) 59C of the Travis  
 County, Texas Plat Records. G.F. # TX04-445005-AU10 Dated: 8-17-04  
 Ref: Jeff Beard and Erin Beard

SCALE: 1" = 20'

# Impervious Coverage with Decks

NOTE:  
 SUBJECT TO RESTRICTIONS RECORDED IN VOL. 86, PG. 59C, PLAT RECORDS, INSTR. NO. 2003206152, OFFICIAL PUBLIC RECORDS, VOL. 9487, PG. 334, VOL. 11873, PG. 498, VOL. 11941, PG. 137, VOL. 12119, PG. 281, VOL. 12380, PG. 333, VOL. 12418, PG. 670 AND VOL. 12815, PG. 961, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS.



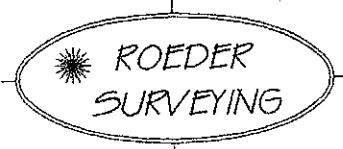
IMPERVIOUS COVER:  
 HOUSE - 2456.6 SQ. FT.  
 WOOD DECKS - 371.8 SQ. FT.  
 A/C PAD - 9 SQ. FT.  
 BRICK - 86.9 SQ. FT.  
 CONC. WALK - 18.4 SQ. FT.  
 CONC. PORCH - 24.5 SQ. FT.  
 CONC. DRIVE - 454.7 SQ. FT.  
 E/BOX CONC. - 25 SQ. FT.

TOTAL IMP. COVER - 3446.9 SQ. FT.  
 LAND AREA - 6904.2 SQ. FT.  
 PERCENTAGE: 50%

To: First American Title Insurance Company, Quorum Financial exclusively.

The undersigned does hereby certify that the plat shown represents the results of a survey on the ground under my supervision and is true and correct and that there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, visible utility easements, except as shown and the property has access to a dedicated roadway.  
 The property shown hereon is located in Zone "X": areas outside the 500 year floodplain

as shown on Community Panel Number 481026 0255 F  
 of the FLOOD INSURANCE RATE MAP prepared for Travis County  
 by the Federal Insurance Administration Department, H.U.D.  
 Effective Date: June 5, 1997



3705 VINELAND DRIVE  
 AUSTIN, TEXAS  
 FAX & PHONE (512) 478-7673

- LEGEND
- ⊙ 1/2" IRON PIN FOUND
  - ⊙ LIGHT POLE
  - ⊙ FIRE HYDRANT
  - ⊙ WATER METER
  - ⊙ CONC. PAD WITH ELEC.
  - //— WOODEN FENCE
  - ( ) RECORD INFORMATION

12-100

IMPERVIOUS COVER: 6-19-12

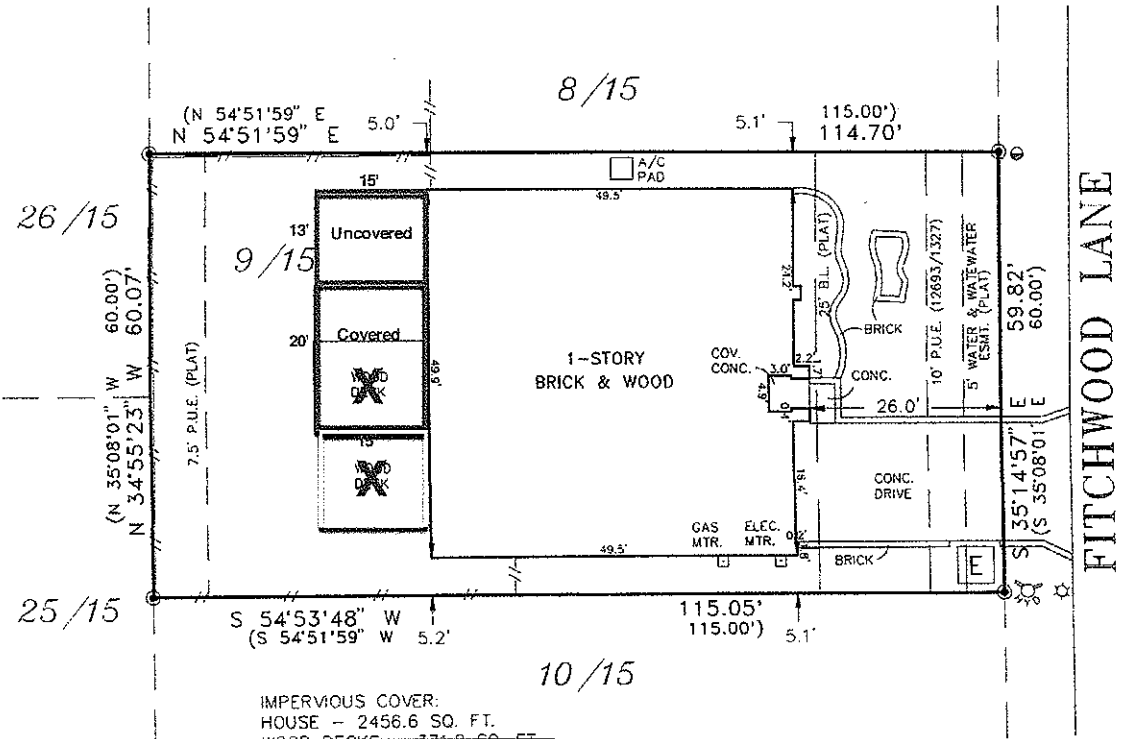
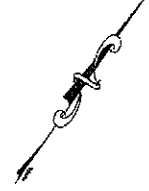
DATE: 8-24-04

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SCALE: 1" = 20'

# Impervious Coverage with Proposed Patio

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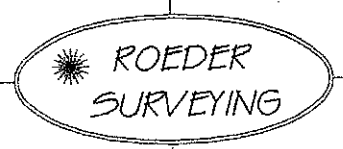


IMPERVIOUS COVER:	
HOUSE - 2456.6 SQ. FT.	
A/C PAD - 9 SQ. FT.	
BRICK - 86.9 SQ. FT.	
CONC. WALK - 18.4 SQ. FT.	
CONC. PORCH - 24.5 SQ. FT.	
CONC. DRIVE - 454.7 SQ. FT.	
E/BOX CONC. - 25 SQ. FT.	
Covered/Uncovered Patio - 495 SQ. FT.	
<b>TOTAL IMPERVIOUS COVER - 3570.1 SQ. FT.</b>	
<b>LAND AREA - 6904.2 SQ. FT.</b>	
<b>PERCENTAGE: 51.7%</b>	

To: First American Title Insurance Company, Quorum Financial exclusively.

The undersigned does hereby certify that the plat shown represents the results of a survey on the ground under my supervision and is true and correct and that there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, visible utility easements, except as shown and the property has access to a dedicated roadway. The property shown hereon is located in Zone "X": areas outside the 500 year floodplain

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  - //— WOODEN FENCE
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12-100

IMPERVIOUS COVER: 6-19-12

DATE: 8-24-04

# Alliance Association Management

an **Associa** company

115 Wild Basin, Suite 308  
Austin, Texas 78746  
[www.allianceonline.net](http://www.allianceonline.net)  
Customer Service 512.347.2888  
Fax 512.328.6178

April 28, 2012

Nicolas Yaros  
5715 Fitchwood Lane  
Austin, TX 78749

RE: Village at Western Oaks Owners Association, Inc.  
Property: 5715 Fitchwood Lane  
Acct#: 00297-6336

Dear Nicolas Yaros

The plans you submitted on the above referenced lot, have been approved as submitted on the following basis:

## *Patio*

1. The architectural plans are approved as stated.
2. The site must be kept in a clean and orderly condition at all times during construction. Please keep the streets clean and debris removed from the site.
3. This approval shall not in any way waiver any of the requirements contained in the Declaration and all construction shall be in accordance with the Declarations.
4. We have not reviewed the plans for the purpose of determining if they are in compliance with applicable building codes or whether the structural and foundation plans are adequate or suitable for the particular site.
5. All work must be completed as soon as possible and without delay. Please notify our office if you foresee unusual delays in completing this project.

We feel this improvement will make a fine addition to our community and look forward to its completion. If you have any questions, please feel free to contact our office at 512.328.6100 or via email at [info@allianceonline.net](mailto:info@allianceonline.net).

Sincerely,

Alliance Association Management, Inc.  
Agent for Village at Western Oaks Owners Association, Inc.